

105TH CONGRESS
2D SESSION

H. R. 3882

To amend the Internal Revenue Code of 1986 to provide that a member of the Armed Forces of the United States shall be treated as using a principal residence while on extended active duty.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1998

Mr. JONES introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to provide that a member of the Armed Forces of the United States shall be treated as using a principal residence while on extended active duty.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. MEMBERS OF THE ARMED SERVICES TREATED**
4 **AS USING PRINCIPAL RESIDENCE WHILE**
5 **SERVING ON EXTENDED ACTIVE DUTY.**

6 (a) IN GENERAL.—Subsection (d) of section 121 of
7 the Internal Revenue Code (relating to special rules) is

1 amended by adding at the end the following new para-
2 graph:

3 “(9) DETERMINATION OF USE DURING PERIODS
4 OF ACTIVE DUTY WITH ARMED FORCES.—

5 “(A) IN GENERAL.—A taxpayer shall be
6 treated as using property as a principal resi-
7 dence during any period the taxpayer (or the
8 taxpayer’s spouse) is serving on extended active
9 duty with the Armed Forces of the United
10 States, but only if the taxpayer used the prop-
11 erty as a principal residence for any period be-
12 fore the period of extended active duty.

13 “(B) EXTENDED ACTIVE DUTY.—For pur-
14 poses of this paragraph, the term ‘extended ac-
15 tive duty’ means any period of active duty pur-
16 suant to a call or order to such duty for a pe-
17 riod in excess of 90 days or for an indefinite pe-
18 riod.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall apply to sales or exchanges after May
21 6, 1997.

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